

THE STANDARD OF WELL BODIES TAKES PRECEDENCE OVER THE VALIDITY OF BELIEF AND THEIR APPLICATION TO THE COVID-19 EPIDEMIC IN WORSHIP IN THE KINGDOM OF SAUDI ARABIA

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ABSTRACT

Islam came to preserve five necessities, among these is to preserve human life, so Allah commands us to protect human life from harm, drop the obstinacy and hardship, and eliminated duties when they pose damage and suffering, it was stated in rules of Sharia that hardship brings convenience which is a widely used rule by all Islamic jurists. One of the things that call for lifting hardship is the safety of human life where all duties are lifted for his/her safety and health. This is what I will demonstrate in this paper titled: Health of Human Life is Preceding religion soundness and applying this to the Corona Epidemic.

Keywords: Human Health, Corona Virus, Epidemic, Provisions

INTRODUCTION

Islam preserves human life, as it commands us to preserve our lives from harm, as Allah said in the Holy Quran “Allah intends for you ease and does not intend for you hardship”¹, and He also said “He has chosen you and has not placed upon you in the religion any difficulty”².

The current study addresses (The principle of “Healthy bodies take precedence over the validity of belief” and their application to the Covid-19 epidemic), which is the epidemic that appeared at the beginning of 2020 in China and then spread to other countries of the world, including the Kingdom of Saudi Arabia.

The spread of this epidemic resulted in precautionary measures, including those related to the provisions of Islam, which I will address in the practical aspect of the rule.

Reason for Choosing the Topic

- I found this principle in the words of some jurists, but I did not find it in the books of shari provisions, so I wanted to research it, as the jurists did not mention it as a rule.
- The COVID-19 epidemic and its impact on the provisions of worship.

LITERATURE REVIEW

- I searched for this principle in shari provision books, whether ancient or new ones, and I did not find it in the text in any of them.
- I found it implicit in the book of Al-Izz bin Abd Al-Salam entitled “Al-Qawaed” and Al-Suyuti in his book “Al-Ashbah wa Al-Nazaer” in their talk about hardships.
- The principle was found in its text by some contemporaries, and they mentioned that it is a principle adopted by the Muslim jurists in their speech on separate topics for quotation but not in the context of studying this principle.

As For the Provisions of Epidemics and Infectious Diseases, Many Studies Have Been Found, Including

- “Jurisprudence Provisions Related to Epidemics Affecting Humanity”, Mohammad Bin Sanad Al-Shamani, Taibah University Journal of Arts and Humanities, 2019, No. 18.
- "Provisions of Infectious Diseases in Jurisprudence", Abdul Ilah Al-Saif, Master's Thesis, Imam Mohammad bin Saud University, 2004.
- "The Impact of Infectious Diseases on the Performance of Hajj", Khaled Al-Jeraisy, Umm Al-Qura University.
- "Preventive Measures from Diseases and Disasters", Iman Al-Mubarrad, Master's Thesis, Imam Mohammad bin Saud University.

METHODOLOGY

I adopted the inductive and deductive approach by tracing the texts of jurists that mentioned this principle and deducing jurisprudential rulings through the Covid-19 epidemic and its impact on worship.

Research Plan

The current study includes an introduction, containing the reason for choosing the topic, previous studies, research questions, and methodology and research procedures.

Topic (1): The principle of “Healthy bodies takes precedence over the validity of belief, and it contains four sections:

Section (1): The meaning of the rule (principle) and its evidence.

Section (2): The evidence of the rule.

Section (3): The rule as addressed by ancient and modern scholars.

Section (4): Objection and response to it.

Topic (2): The COVID-19 epidemic, and it include two sections:

Section (1): Islam’s attitude towards the epidemic.

Section (2): The COVID-19 epidemic.

Topic (3): The impact of the COVID-19 epidemic on worship, and it includes two sections:

Section (1): Issues related to doing group prayer (congregational prayers).

Section (2): Issues related to performing Umrah and Hajj:

Topic (1): The Principle of “Healthy Bodies Takes Precedence Over the Validity of Belief, and it Contains Four Sections:

Section (1): The Meaning of the Rule (Principle) Linguistically and Procedurally.

First: the meaning of the rule (principle) linguistically in language, the term *صحة* in Arabic means “soundness” or being in a good condition.³

The term “أبدان” bodies: sing: بدن (body), and here it is Islam⁴

مقدمة : Takes precedence over⁵

The term “أديان”: sing: “دين” : religion.⁶ linguistically:

The legal rulings on which the religion is based, if it results in harm to a person’s health due to illness or fear of illness or other things, then these rulings are not applied, and they are reduced in proportion to the person’s health.

Section (2): The Evidence of the Rule⁷

Amr Ibn Al-Ass has narrated that he once had a wet dream during a battle, and he was afraid that if he took a shower then he would become ill. He then did prayer without taking a shower, and when prophet Mohammad heard about this he just laughed and said nothing.⁸

Significance of Hadith

Prophet Mohammad’s attitude indicates that Tayamum is permitted when it is cold and being afraid of illness due to using water for taking a shower. Prophet Mohammad smiling is an indication that it is permitted not to use water in cold weather even a person has a wet dream.⁹ Also, Amr Ibn Al-Ass was not ill, he was just afraid of being ill.¹⁰

Third: The original rule

This rule is derived from an original rule which is “ Hardship brings ease”.

Section (3): The Rule as Addressed by Ancient and Modern Scholars

First: The rule as addressed by ancient scholars

I did not find the rule in its text in the writings of the ancient jurists, but I found it implicitly as mentioned by some of them.¹¹ Al-Suyuti also mentioned it in his discussion of hardships.¹²

Second: The rule as discussed by contemporaries:

It was mentioned in Al-Manar magazine (and thus you find the rule has become widespread: “Healthy bodies principles take precedence over the validity of belief”¹³

And it was mentioned when talking about human rights and the purposes of Sharia in the series “Kitab al-Ummah” issue (87).

Among the applications of the rule: The rule has many applications in the books of scholars, including:

1 Tayammum instead of ablution or bathing when sick or fear of illness.

2 Abstaining from fasting when sick or fearful of its excess.

3- Abandoning shaving the head during Hajj and replacing it with a sum of money.

4- Not to perform the pilgrimage if the journey poses a danger to a person, an organ, or money.

Section (4): Objection and Response to it.

If it is said: The majority of scholars agree that religion takes precedence over the soul, and this is stipulated in their books¹⁴, and this contradicts the rule.

It is answered:

There is no contradiction between what the scholars have decided that religion takes precedence over the soul and this rule. They cited it as jihad, since the mujahid offers himself as a sacrifice for the religion. Based on this, we say:

1- That jihad is a public interest and the public interest takes precedence, so it takes precedence over preserving the body¹⁵.

2- The words of the scholars refer to a special, emergency situation.

3- There is a difference between interest and conflict. Preserving life is more important than preserving religion or belief, and the evidence for this is that Prophet Mohammad -peace be upon him- approved that through smiling.¹⁶

4 This rule is implicitly established by the scholars. There is no dispute among the scholars regarding replacing ablution with tayammum when sick, or for fear of illness. Examples of this are extensive in books of jurisprudence and jurisprudence rules.

5 By extrapolating the evidence, we find that in the event that religion contradicts the health of the body, the body is given priority, and this is from God's mercy and kindness.

6- The permissions that God made for His servants were among the maintenance of religion.¹⁷

Topic (2): The COVID-19 Epidemic

Section (1): Islam's Attitude Towards the Epidemic

First: Definition of epidemic: Epidemic is a general disease.¹⁸ Contemporaries defined it as every highly contagious disease that spreads rapidly from place to place that affects humans, animals and plants, and is usually fatal like the plague.¹⁹

Second: Islam's attitude towards the epidemic: Islam acknowledged the prevention and sanitary isolation in general epidemics, such as plague and the like, and even expanded the scope of prevention to include animals. Prophet Mohamad said " Sick camels should not be mixed with healthy camels"²⁰. He also said" If you hear of a plague in a land, do not enter it, and if it occurs in a land while you are in it, do not leave it".²¹

Section (2): Definition of COVID-19 Epidemic

COVID-19 virus is from the new Corona virus family; where most of the cases of infection appeared in the Chinese city of Wuhan at the end of December 2019 in the form of acute pneumonia. The virus was identified by genetic sequencing.

Virus origin: COVID-19 is believed to be associated with animals; as most of the initial cases were related to a market for seafood and animals in the Chinese city of Wuhan.²²

Modes of infection and symptoms: The virus is transmitted between humans from an infected person to another person through unprotected close contact.

Typical symptoms of COVID-19 include: fever, cough, shortness of breath, and sometimes pneumonia. It may cause severe complications in people with weak immune systems,

the elderly and people with chronic diseases such as: cancer, diabetes, and chronic lung diseases, and some may not show symptoms of infection, and this increases the risk of infection.²³

Topic (3): The Impact of the COVID-19 Epidemic on Worship, and it Includes Two Sections:

Section (1): Issues Related to Doing Group Prayer (congregational prayers).

Four issues fall under the issues related to doing group prayer (congregational prayers), and they are explained in the following:

The First Issue: The ill “infected” person is exempted from doing group prayer (congregational prayers).

The attitude of Islam regarding the epidemic and how Islam preserved the safety of animals by not mixing infected camels with healthy camels is clear, so how about a person whom Islam protects from everything that harms him.

In this issue, we will address the ruling on the ill “infected” person performing prayer with the congregation and his attendance at Friday prayers, which is an issue that concerns the infected individuals without there being official procedures from the state. It can be said that the infected person is not permitted to do Friday and group prayers in mosques with other Muslims, and the evidence for that is explained in the following:

The First Evidence: the hadith of the Prophet Opeace be upon him-((Whoever eats garlic or onions, should leave our mosque, and stay home).²⁴

The first Evidence: If the garlic eater is prevented from praying in the mosque so that the worshipers will not be harmed by it, then it is a fortiori to prevent the infected with an epidemic disease so as not to transmit the infection to them.²⁵

The Second Evidence: Islam applies “No harm, no foul” rule, where Islam came to prevent harm and the prayer of a person infected with COVID-19 harms other worshipers with the possibility of transmitting infection.

The Commission of Senior Scholars in the Kingdom of Saudi Arabia issued a fatwa in its twenty-fourth special session, prohibiting infected persons from doing group and Friday prayers. The Commission explained that it considered what was presented to it regarding the validity of not performing Friday and congregational prayers in the event of the spread of the epidemic or fear of its spread.²⁶

The second issue: Suspending doing group prayers by the ruler:

It was previously decided that COVID-19 is a fast-spreading epidemic and the means of its spread are numerous, and the infected person may not show any symptoms, and this is what makes the matter more dangerous in such an epidemic.

Many commissions issued a fatwa permitting the suspension of Friday and congregational prayers in mosques, and it is sufficient to raise the call to prayer

The Council of Senior Scholars in the Kingdom has excluded the the Holy Mosque in Mecca and the Prophet’s Mosque from the decision to establish prayers in them on small numbers.²⁷

Evidences of suspending Friday and group prayers

Allah said: “And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]”.²⁸ And Allah said “And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful”.²⁹

Significance in these evidences

The hadith indicated the importance of the issue of quarantine and isolation for the infected person, and since the COVID-19 epidemic may not show symptoms until after 14 days have passed, it was a precaution to suspend Friday prayers and group prayers because of the close distance between prayers that may transmit infection.

The fifth evidence: the rule of life reservation. It is well known that Islamic law enacts life reservation and avoidance of everything that might harm it.

The Sixth Evidence: The principle of “No harm, no foul”. In order for the healthy people not to be harmed by transmitting the infection to them from the infected persons, all gatherings, including Friday prayers and congregational prayers, are suspended.

The seventh Evidence: The rule of “the decision of ruler is subjected to public interest.

The Third issue: Delaying the eid prayer and doing it at home:

Councils and bodies issued fatwas to hold Eid prayers at home Mosques and mosques, they pray at home³⁰ without a khutba “sermon” after it.³¹

Evidence on doing EID Prayer at Home:

It was previously shown by reviewing the suspension of Friday prayers and congregational prayers, considering the public interest. Here we will explain the evidence for doing the Eid prayer at home:

The first evidence: Deduction by analogy for the one who missed the Eid prayer, the Malikis and the Shafi’is and the Hanbalis have held that it is desirable for the one who missed the Eid prayer to make it up if he wants,³² and they differed about the way how the Eid prayer is done by a person alone, so Malikis and the Shafi’i and a saying of the Hanbalis that “he prays it in four rak’ahs.”³³

The second evidence: the act of worship is performed as much as possible, and its performance at home is the performance of the ritual according to one’s ability.

The Grand Mufti of the Kingdom, Chairman of the Council of Senior Scholars and General President of Scholarly Research and Ifta, Sheikh Abdulaziz bin Abdullah Al Al-Sheikh, said:

“The Eid prayer, if the situation continues as it is in these days, such as not performing Friday prayers and congregational prayers in mosques, then it is prayed at homes without a sermon afterwards.”

And Allah says “So fear Allah as much as you are able”³⁴. Also, Prophet Mohammad said “.....if I order you to do something, then do of it as much as you can”.^{35; 36}

The fourth issue: Precautionary measures after the return of congregational prayers at mosques:

The supreme decree was issued to resume of Friday and congregational prayers in mosques on the eighth of Shawwal 1441 AH, taking into account the precautionary precautions that were stipulated, namely:

1. The opening of mosques should be 15 minutes before the call to prayer and closing 10 minutes after the prayer, while keeping the waiting time between the call to prayer and the iqamah to be reduced to ten minutes, and opening windows and doors from the time of the beginning time of prayer until the end of the prayer.
2. Not to use Qur'an and books temporarily.
3. Obligating the worshipers to leave a distance of 2 meters between worshipers, and to leave a space of one row between each two rows.³⁷
4. Emphasizing the closure of all water coolers and refrigerators, and not allowing water or food to be distributed in the mosque or anything else.
5. Closing toilets and places of ablution.
6. Maintaining the suspension of scientific lessons, programs and lectures, as well as the memorization sessions of the Holy Qur'an in mosques, and continuing education and lectures remotely.
7. Wearing a mask and every worshiper brings his carpet and not to leave it after prayer.
8. Not to accompany children under the age of 15 years.
9. Not to overcrowd when entering or leaving mosques.
10. Observing all mosques at the time of Friday prayer, and determining the nearest mosque which is equipped for Friday prayer, according to the following: Friday prayer should be held temporarily in mosques close to mosques crowded with worshipers and prepared for Friday prayer according to the previously reported instructions, and that the first call to prayer should be twenty minutes before the time of prayer begins; mosques should be opened 20 minutes before the time begins and closed twenty minutes after the prayer, and the Friday sermon with prayer should not exceed 15 minutes.³⁸

Section (2): Issues Related to Performing Umrah and Hajj

The first issue: It is not permissible for a sick person to perform Umrah.

It was decided in the above that it is not permissible for the infected person to perform the prayer in congregation with the Muslims, because of the harm that results from performing the prayer, so the same is the case with the Umrah as Umrah is a sunnah Moakadah (Sunnah mu'akkadah or "confirmed sunna" prayers, which Prophet Mohammad-peace be upon him- "continuously performed and almost never abandoned".³⁹ Also, the time for performing Umrah is extended and not repeated, unlike the congregational prayer, and too much crowding leads to the transmission of infection.

The second issue: The ruler prevents performing Umrah:

It has been previously explained that the COVID-19 epidemic is rapidly spreading, and accordingly, the government of the Kingdom of Saudi Arabia issued a suspension of the performance of Umrah, in order to precaution against the effects of the epidemic.⁴⁰

Evidence for the permissibility of the guardian's prohibition from performing Umrah:

The first evidence: The purposes of Islamic law, which emphasize the preservation of life. the Islamic Fiqh Academy states "In order to protect of the sons of the homeland, residents and all Muslims," which is what the legislator urged to protect oneself, and not to expose it to harm.

The second evidence: The hadith of the Prophet Mohammad-peace be upon him- (If you hear of a plague in a land, do not enter it, and if it occurs in a land while you are in it, do not leave it).⁴¹

The third evidence: The principle of "No harm, no foul" , so that harm does not occur to the healthy persons by transmitting the infection to them from the infected, all gatherings are stopped, including the performance of Umrah.

The fourth evidence: the obligation to obey the rulers, especially regarding the protection of one's life.⁴²

The third issue: Preventing the infected person from performing the Hajj:

There is an agreement among the scholars regarding the fact that the person with a disease shall not perform Hajj because of his illness first, and in order that no one else will be harmed according to the principle of “No harm, no foul”.⁴³ Likewise, there is an agreement regarding preventing pilgrims from hajj if it is affected by an epidemic, according to the hadith of the Prophet Mohammad-peace be upon him- (If you hear of a plague in a land, do not enter it, and if it occurs in a land while you are in it, do not leave it).⁴⁴

Fourth issue: Reducing the number of pilgrims to a specified number:

The Kingdom of Saudi Arabia announced the establishment of the Hajj season in an exceptional manner in order to preserve the lives and souls, along with the establishment of the ritual of Hajj:

1. The applicant should be free of any chronic diseases.
2. The age of the person wishing to perform Hajj should not exceed 65 years.
3. To be a resident of the Kingdom of Saudi Arabia.
4. Numbers will be determined for each nationality.

Authorities and organizations have supported this decision, including the Council of Senior Scholars in the Kingdom, the Muslim World League, the Organization of Islamic Cooperation, and many fatwa bodies in various Muslim countries.⁴⁵

The Hajj season has been completed without any COVID-19 INFECTIONS to pilgrims, all praise and gratitude be to Allah.

CONCLUSION

In this research, the researcher has addressed “The principle of “Healthy bodies take precedence over the validity of belief” and their application to the Covid-19 epidemic”, and the results came as follows:

- The principle of “Healthy bodies take precedence over the validity of belief” is a sub-rule of jurisprudence from the rule of hardship that brings ease “facilitation”.
- The epidemic is legally considered and the provisions of isolation are applied in Islam.
- The reference in matters of diseases and the like is trusted medicine.
- COVID-19 is an epidemic and the provisions of epidemics are obligatory for it.
- All Muslims must abide by the precautionary orders and measures decided by the RULER.
- Friday prayers and congregational prayers are waived and must be performed at home in cases of epidemics, including the COVID-19 epidemic.
- The ruler prevents performing Umrah and Hajj for the infected person and for all Muslims in the time of epidemics, including the COVID-19.
- The public interest must be realized in protecting people when they leave the congregational prayer, not just illusions.
- Mosques are the last things to be closed, so that other gatherings of all kinds are prohibited, as it is unreasonable for all kinds of commercial and social gatherings to continue working while places of worship to be closed.

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